



#16/Response
PATENT
740819-450
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:)
Nobuhiro JIWARI et al.)
Application No.: 09/708,085) Art Unit: 2813
Filed: November 8, 2000) Examiner: Thanh T. NGUYEN
For: METHOD FOR FABRICATING SEMI-)
CONDUCTOR DEVICE)

REQUEST FOR RECONSIDERATION

Commissioner for Patent
Washington, D.C. 20231

Dear Sir:

In response to the Examiner's Office Action mailed June 18, 2002, the due date for which having been extended one (1) month to October 18, 2002, please consider the following remarks in connection with the above-identified application.

REMARKS

At the outset, the Examiner is thanked for the review and consideration of the present application. Additionally, the Examiner is thanked for granting and conducting several telephonic interviews to discuss the presently claimed invention and the rejection in the Office Action.

The Examiner's Office Action dated June 18, 2002 has been received and its contents reviewed. Filed concurrently herewith is a Request for a One-Month Extension of Time which extends the shortened statutory period for response to October 18, 2002. Accordingly, Applicants respectfully submit that this response is being timely filed. Claims 1-3, 5-7, and 9 are pending in the present application, of which claims 1 and 6 are independent.

Referring now to the detailed Office Action, claims 1-3, 5-7, and 9 are rejected under 35 U.S.C. §103(a) as unpatentable over Akahori et al. (U.S. Patent No. 6,218,299 – hereafter

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Akahori) in view of Homma et al. (U.S. Patent No. 5,420,075 – hereafter Homma) or Kobayashi et al. (U.S. Patent No. 6,214,748 – hereafter Kobayashi). This rejection is respectfully traversed at least for the reasons provided below.

An object of the present invention is forming a fluorine-containing organic film using fluorocarbon gas of C_5F_8 , C_3F_6 or C_4F_6 and allowing the fluorine-containing organic film to be densified without the necessity of transporting a substrate with the fluorine-containing organic film formed thereon from a film deposition apparatus to another processing apparatus.

In the rejection, the Examiner asserts that the cited reference to Akahori discloses that fluorocarbon is C_nF_m , where n,m are integers (see col. 7, lines 40-46), therefore, it is obvious that it includes: C_5F_8 , C_3F_6 or C_4F_6 .

However, Akahori does not disclose the range of the integers n and m of the fluorocarbon C_nF_m . Further, according to the producing technique of the fluorocarbon gas, the number of integers of n and m in Akahori are infinite. Hence, based on the chemical formula of C_nF_m of Akahori, the fluorocarbon gas of the present invention is not specifically disclosed and cannot be inferred without proper suggest or motivation.

Moreover, Akahori specifically discloses CF_4 , C_2F_6 , C_3F_8 , C_4F_8 , C_2F_2 , C_2F_4 , $C(CF_3)_4$ and $(C_2F_5)_4$ but fails to disclose or suggest C_5F_8 , C_3F_6 or C_4F_6 of the presently claimed invention, which is particularly desirable for its atmospheric life of one year or less and is preferred for reducing global warming, as disclosed at least in, e.g., page 6, lines 23-24 of the specification.


As Akahori fails to teach, disclose, or suggest C_5F_8 , C_3F_6 or C_4F_6 , the combination of Akahori with Homma and Kobayashi is improper. Therefore, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claims 1-3, 5-7, and 9.

CONCLUSION

Having responded to all rejections set forth in the outstanding Final Office Action, it is submitted that claims 1-3, 5-7, and 9 are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion

that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,

By 

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DRS/LCD/wks
October 15, 2002



28/3

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/708,085	
	Filing Date	November 8, 2000	
	First Named Inventor	Nobuhiro JIWARI et al.	
	Group Art Unit	2813	
	Examiner Name	Thanh T. NGUYEN	
Total Number of Pages in This Submission		Attorney Docket Number	740819-450

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Request for Reconsideration <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Other RECEIVED OCT 18 2002 TECHNOLOGY CENTER 2800
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Donald R. Studebaker (Reg. No. 32,815) Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	October 16, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 	
Type or printed name	
Signature	Date

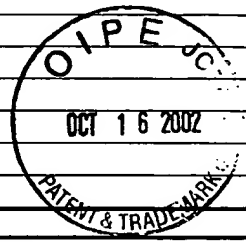
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$110.00)

Complete if Known
Application Number 09/708,085
Filing Date November 8, 2000
First Named Inventor Nobuhiro JIWARI et al.
Examiner Name Thanh T. NGUYEN
Group Art Unit 2813
Attorney Docket No. 740819-450



METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 19-2380

Deposit Account Name Nixon Peabody LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims -20** = X = 0
Independent Claims -3** = X = 0
Multiple Dependent = 0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English transaction	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.29(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 110.00)

CERTIFICATE OF MAILING

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Name: _____

SUBMITTED BY

Name (Print/Type) Donald R. Studebaker Registration No. 32,815 Telephone 703/770-9300
Signature *Donald R. Studebaker* Date October 16, 2002

Complete (if applicable)